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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,833	12/20/2001	Matthew W. Weismiller	8266-0685	4403

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EXAMINER

TRETTEL, MICHAEL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,833

Applicant(s)

WEISMILLER ET AL.

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27 and 29-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27, 29-37, 39 and 45-47 is/are allowed.
- 6) ☒ Claim(s) 38, 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marra, Jr. (5,175,897) in view of Williams et al (5,542,138). Marra shows a hospital bed side rail 14 that is mounted to the side frame of a hospital bed by connector elements '8 and which can be raised and lowered relative to the bedframe. A pair of control panels 32, 34 is mounted on an interior side of the side guard and contains controls such as bed configuration controls, a telephone, or an intercom. The control panels lack the claimed processor that provide variable graphical information to a display screen for the controls. Williams et al teaches the use of a bedside control unit for a hospital bed that includes a control module 40 mounted upon an articulated arm structure 20 to a bedframe. The control module 40 includes a housing 42 with a control panel 50 mounted to the front of the housing, with includes a plurality of membrane switches and push buttons for various bed controls and functions. The back side of the control module 40 includes a display panel 76 pivotally mounted thereto in the same fashion as a laptop computer, unfolding the display 76 exposes a keyboard 72 and trackball 74. Inside the control module is a microprocessor 82, a communications bus 84, and an interface control module 120. Switches 86, 88 correspond to the membrane switches mounted to the control panel 50 and are monitored by the processor 82, with a display 70 that is mounted within the display panel 76 being controlled

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by the processor 82. In other words, Williams teaches the use of a programmable control and display unit for a bed that allows for microprocessor control and display of the bed's functions. It would have been obvious to the skilled artisan to have upgraded the controls of the Marra bed side rail structure with a microprocessor control that includes a display screen that provide variable graphical information as taught by Williams et al. The motivation would have been to provide the benefits of a programmable control unit for the bed, in which the control unit is essentially a microcomputer that is easily operated and controlled by a user.

Claims 38 and 40 to 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (4,612,679) in view of Williams et al (5,542,138). Mitchell shows a side guard assembly for a hospital bed that comprises a rail assembly 40 that is supported by a pair of pivot links 72 that allow the rail assembly to be raised and lowered relative to a bedframe. The rail assembly 40 includes a side guard 42 that is pivotally mounted to the rail assembly such that it can be inverted within the rail assembly. A control panel 160 is provided on one face of the side guard and contains controls for the hospital bed. Note that since the side guard 42 can be inverted within the rail assembly the controls can face to either the interior or exterior of the bed. The control panel 160 is mounted within a recess 156 defined within the side guard, with a telephone 158 being mounted in a removable fashion in the recess 156 adjacent to the control panel 160. The control panels lack the claimed processor that provide variable graphical information to a display screen for the controls. Williams et al teaches the use of a bedside control unit for a hospital bed that includes a control module 40 mounted upon an articulated arm structure 20 to a bedframe. The control module 40 includes a housing 42 with a control panel 50

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mounted to the front of the housing, with includes a plurality of membrane switches and push buttons for various bed controls and functions. The back side of the control module 40 includes a display panel 76 pivotally mounted thereto in the same fashion as a laptop computer, unfolding the display 76 exposes a keyboard 72 and trackball 74. Inside the control module is a microprocessor 82, a communications bus 84, and an interface control module 120. Switches 86, 88 correspond to the membrane switches mounted to the control panel 50 and are monitored by the processor 82, with a display 70 that is mounted within the display panel 76 being controlled by the processor 82. In other words, Williams teaches the use of a programmable control and display unit for a bed that allows for microprocessor control and display of the bed's functions. It would have been obvious to the skilled artisan to have upgraded the controls of the Mitchell bed side rail structure with a microprocessor control that includes a display screen that provide variable graphical information as taught by Williams et al. The motivation would have been to provide the benefits of a programmable control unit for the bed, in which the control unit is essentially a microcomputer that is easily operated and controlled by a user.

Allowable Subject Matter

Claims 27, 29 to 37, 39, and 45 to 47 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 38 and 40 to 44 have been considered but are moot in view of the new ground(s) of rejection. While the amendment made to claim 38 would define over either of the Mitchell or Marra references when considered singly, the

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Williams reference teaches the use of a microprocessor controlled display for a bed control device that is programmable in use. In the examiner's opinion this teaching could be fairly combined by the skilled artisan with either of the Mitchell or Marra references. Accordingly a new rejection based upon §103(a) has been made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326/9325.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.



Michael Trettel
Primary Examiner
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